



Citizens for  
Wilderness  
Planning

November 1, 2004

		<b>Taking Care of Wild Places</b>
1. The Cumberlands .....	p. 3	<b>The BIG stories</b>
A. Proposal to mine toxic seams near Fall Creek Falls		Mining near Fall Creek Falls..... ¶1A
B. Alliance for the Cumberlands hiring executive director		Oil & gas hearings... ¶2A
2. Obed and Big South Fork .....	p. 3	Comments needed on TDoT Plan ..... ¶3A
A. Hearing on weak oil & gas regs	C. Big South Fork GMP	Obed appraisals starting ..... ¶2B
B. Appraisals starting at Obed WSR	D. BSF Watershed Assn.	Global warming threatens planet..... ¶6
3. Around the state .....	p. 5	Send Roadless comments thru 11/15 ... ¶7A
A. Comments needed on TDoT's Long Range Plan		Virgin forest found on ORR ..... ¶8B
B. Roan Mountain land	C. Two Tenn. rivers endangered	
4. Smokies. ....	p. 5	
A. Tapoco settlement adds land to Park	C. Coalition to meet	
B. Superintendents speak to TCWP	D. Teens against road	
5. TVA news. ....	p. 6	
A. Watts Bar Plan revision	C. New Natural Areas Coordinator	
B. Green Power Program benefits from wind turbines		
6. Global warming – a major threat to our planet .....	p. 7	
A. Species loss	C. Kyoto treaty in effect – <u>without</u> USA	
B. Hurricanes and flooding	D. McCain-Lieberman bill	
7. National issues .....	p. 8	
A. Roadless Rule comment period extended	C. Funding for land acquisition	
B. Regulatory changes imperil many species	D. Acquisition through ballot measures	
8. Oak Ridge area .....	p. 10	
A. Status of Conservation Easement	C. The Three-Bend Area must be protected	
B. Unique virgin forest on the ORR	D. Acquisition through ballot measures	
9. TCWP news (Upcoming activities; TCWP actions; Thanks; Recent events) .....	p. 11	
10. Job opportunity; Calendar; Resources. ....	p. 13	
11. ACTION SUMMARY .....	p. 2	

## 11. ACTION SUMMARY

SN	Issue	Contact	"Message!" or Action
1A	Mining near Fall Creek Falls	TCWP	Volunteer to attend Nov. 18 hearing
2A	Hearing on oil & gas regulations	TCWP	Volunteer to attend January or February hearing
3A	Long Range Transportation Plan	TD T	Register your opinion at one of 9 November hearings
5B	Green Power	Sen. Lamar Alexander	"I prefer wind turbines to the damages caused by fossil fuels!"
7A	Attacks on Roadless Rule	US Forest Service Gov. Brodesen	"Millions want roadless areas in national forests protected!" "Thank you for taking a stand against the Bush proposal!"

Senator John Doe  
United States Senate  
Washington, DC 20510

The Hon. John Doe  
U.S. House of Representatives  
Washington, DC 20515

Pres. George W. Bush  
The White House  
Washington, DC 20500  
202-456-1414; Fax 456-2461  
[president@whitehouse.gov](mailto:president@whitehouse.gov)

Governor Phil Brodesen  
State Capitol  
Nashville, TN 37243-9872  
615-741-2001; Fax 615-532-9711  
[phil.brodesen@state.tn.us](mailto:phil.brodesen@state.tn.us)

Dear Senator Doe  
Sincerely yours,

Dear Congressman Doe  
Sincerely yours,

Dear Mr. President  
Respectfully yours,

Dear Gov. Brodesen  
Respectfully yours,

Sen. Bill Frist:  
Ph: 202-224-3344; FAX: 202-228-1264  
e-mail: <http://frist.senate.gov/contact.cfm>  
Local: 865-602-7977

Sen. Lamar Alexander:  
Ph: 202-224-4944; FAX: 202-228-3398  
e-mail: <http://alexander.senate.gov/contact.cfm>  
Local: 865-545-4253 (FAX 545-4252)

Rep. Zach Wamp:  
Phone: 202-225-3271  
FAX: 202-225-3494  
Local: 865-576-1976  
Web: [www.house.gov/wamp](http://www.house.gov/wamp)

To call any Rep or Senator, dial Congressional switchboard, 202-224-3121. To find out about the status of bills, call 202-225-1772  
URLs: <http://www.house.gov/lastname/> and <http://lastname.senate.gov/> General contact info: <http://www.hcv.org>  
Note that mail to Congress is still slow following the anthrax scare. Consider faxing, phoning, and other modes of communication.

## WHAT IS TCWP?

TCWP (Tennessee Citizens for Wilderness Planning) is dedicated to achieving and perpetuating protection of natural lands and waters by means of public ownership, legislation, or cooperation of the private sector. While our first focus is on the Cumberland and Appalachian regions of East Tennessee, our efforts may extend to the rest of the state and the nation. TCWP's strength lies in researching information pertinent to an issue, informing and educating our membership and the public, interacting with groups having similar objectives, and working through the legislative, administrative, and judicial branches of government on the federal, state, and local levels.

TCWP: 130 Tabor Rd., Oak Ridge, TN 37830.  
President: Cindy Kendrick, 865-386-6382 (h).  
Executive and Membership-Development Director: Sandra Goss, 865-522-3809; [SKGoss@esper.com](mailto:SKGoss@esper.com)  
Newsletter editor: Lee Russell, 865-482-2153. Internet: <http://www.kornet.org/tcwp/>

## 1. THE CUMBERLANDS

### A. New proposal to mine toxic seams near Fall Creek Falls

A coal company is intending to mine in a location that was proved to be eminently unsuitable in lawsuits of four years ago. The proposed strip mine in the watershed of Big Brush Creek in Van Buren and Sequatchie Counties is very close to Falls Creek Falls State Park. Additionally, mining would involve the Sewanee Coal/Whitwell Shale formation which produces extraordinary quantities of acid and toxic mine drainage. About four years ago, TCWP supported some of the expert witnesses in SOCM's ultimately successful lawsuit against a permit application by the Skyline Coal Co. At the time, SOCM and TCWP developed a position statement calling for a ban on mining in the Sewanee Coal/Whitwell Shale formation.

A new outfit, Tennessee Classic Coal Co., has now applied to the Division of Water Pollution Control (DWPC) for an NPDES permit to mine on the same "hot" site. The permit was applied for without a toxic materials handling plan having been submitted to (let alone approved by) the Mining Section of the DWPC.

TCWP and the Tennessee Clean Water Network joined in the SOCM comments submitted to the DWPC on October 11. We subsequently learned that our request for a hearing has been granted.

**WHAT YOU CAN DO:** Help us swell the turnout at the hearing to be held November 18, 7 p.m. (CSF), at Fall Creek Falls. Call Sandra K. Goss at 865-522-3809 or e-mail [skgoss@esper.com](mailto:skgoss@esper.com) if you wish to join a carpool.

### B. Alliance for the Cumberlandians hiring executive director

[Contributed by Sandra Goss]

The Alliance for the Cumberlandians (AC) has received a grant from the Tennessee Chapter of The Nature Conservancy to fund an Executive Director. The Steering Committee, of which TCWP staffer Sandra K. Goss is the Coordinator, has been reviewing resumes and conducting interviews. The group hopes to make an offer this month. Sandra will be spending about 1/4 of her time helping the new Executive Director get acclimated, trained, introduced, and knowledgeable about various AC aspects.

There are unofficial reports that funding has been secured to conduct a feasibility/suitability

study for National Heritage Area designation for the Cumberlandians. This exciting concept opens the way to providing sustainability to the area, as well as heightening appreciation for its natural assets.

The Alliance next meets November 30. For more information about the AC, visit the TCWP website ([www.kornet.org/TCWP/](http://www.kornet.org/TCWP/)), or call Sandra at 865-522-3809.

## 2. OBED AND BIG SOUTH FORK

### A. Hearing to be held on proposed new oil & gas regulations

The oil-well blowout of July 2002 that seriously polluted the Clear Creek (a major component of the Obid Wild & Scenic River) and its Whites Creek tributary should have been a wake-up call to the need for more stringent regulations. Indeed, the state quickly convened the Commissioner's Oil & Gas Study Committee, which subsequently produced a constructive report. Unfortunately, this committee's recommendations ended up being virtually ignored by the Tennessee Oil & Gas Board, which recently proposed a set of regulations that reflect the interests of the oil & gas industry (NL257 12A). (For the full text of the proposed regulations go to our web site, [www.kornet.org/tcwp/](http://www.kornet.org/tcwp/)).

In commenting on these proposed regulations, TCWP deplored the abandonment of the interim policy that had been in place to safeguard the streams of Morgan, Scott, and Fentress Counties, including the requirement for a 330-foot buffer around streams. Under the proposed new regulations, drilling may again be as close as 100 feet from streams, and the distance between dikes and water as little as 25 feet! The full text of TCWP's written comments (which make a number of additional points) may be found on our website.

Reacting to comments by TCWP and others, the Tennessee Oil and Gas Board has agreed to schedule a public hearing in either Warburg or Oneida, probably between December 2004 and February 2005 (see Action Box below).

TDEC (Tenn. Dept. of Environment and Conservation) recently provided a blanket response to individuals and organizations that had submitted written comments on the proposed regulations. (For full text, go to our web site.) Briefly summarizing, TDEC has denied the need for increased notification of and participation by the public or by adjacent landowners, denied a need for increased bonding for well plugging and abandonment, denied that TDEC has jurisdiction to re-

quire insurance to cover catastrophic events, and declined to restrict drilling to daylight hours. TDEC did not respond to questions as to why they have loosened many inspection requirements. They assert that the improvements they have made via policy are adequate and do not need to be codified. Concerning relaxation of the buffer-zone policy that was put in place after the catastrophic oil-well blowout (see above), the response states "It was soon determined that these requirements were in conflict with existing regulations and could not be enforced."

The TDEC response leaves many concerns, especially regarding lack of codification. The proposed rules incorporate changes written by the industry to facilitate their conduct of operations and to loosen requirements. Another major issue is the close fraternity between inspectors/regulators and the industry. The Oil and Gas Board is currently under the Division of Geology. We have proposed much stronger participation by the Division of Water Pollution Control, to the point of moving the Board under the jurisdiction of this Division. The TDEC response does indicate that such a move of regulatory responsibilities is under consideration.

As of August, oil was still oozing out of the river bank at the base of the hill where the well was located. An oil sheen has reappeared on the Clear Creek, attesting to the complexity of cleanup after such an incident. Prevention is far more effective than remediation. We need improved regulations!

**WHAT YOU CAN DO:** For the hearing (some time between December and February) we need a strong turnout of people who want to ensure adequate protection for our state's natural resources. The regulatory changes currently proposed do not include environmental protection measures developed in response to the disastrous Obed oil-well blowout of 2002. Industry representatives are sure to attend the hearing in large numbers. Please come and help TDEC realize that Tennessee citizens highly value clean water and environmental protection. Stay tuned by accessing [www.kornet.org/tcwp/](http://www.kornet.org/tcwp/) for information on date and place.

## **B. Appraisals ordered for some Obed tracts**

TCWP and others have been closely monitoring the land-acquisition process that was made possible by the FY 2004 appropriation of \$750,000 (NL254 §1A). In recent conversations

with the SE Regional Office of the National Park Service, which handles land acquisition, we learned of some of the problems slowing the process. Boundaries for some of the tracts are difficult to determine, and some legal descriptions need to be updated. Additionally, USDI has directed that appraisals must be requested through a central pool instead of being locally arranged as in the past.

However, the process now appears to have begun. Obed Wild and Scenic River Unit Manager Phil Campbell reports that appraisals on high-priority parcels are under way. The appraisers have been in the Obed office and environs for the last couple of weeks. Upon completion, the appraisals will be reviewed by the National Park Service "for sufficiency," i.e., to determine whether they have been performed to park standards. Once appraisals are deemed sufficient, offers will be made to the property owners. If all goes well, at least some of the appropriated dollars may actually get spent before the end of the calendar year.

TCWP has sent letters to Representatives Zach Wamp and Lincoln Davis, and to Senators Frist and Alexander, requesting to meet with them or their staffs in order to talk about Obed protection issues. We thanked them for their role in obtaining the FY 2004 acquisition appropriation and urged them to use their influence to ensure that acquisition continues to proceed with all possible speed.

## **C. BSF General Management Plan delayed**

Publication of the long awaited General Management Plan/EIS for the Big South Fork National River and Recreation had been announced for late summer (NL257 §2D). While the document has, in fact, been completed, the park is awaiting approval from the Washington office of NPS to print and distribute it. For more information about the Plan or on how to receive a copy, e-mail [BSO\\_Superintendent@nps.gov](mailto:BSO_Superintendent@nps.gov) or call 423-569-9778. It had earlier been announced that the document would be available in the following formats: (a) as a CD (in PDF format); (b) on paper (NPS advises that each printed copy costs the taxpayer \$40); or (c) downloaded from the web site at [www.nps.gov/bsfo](http://www.nps.gov/bsfo).

## **D. BSF Watershed Association**

Under the auspices of the Tennessee Environmental Council, and following a Cumberland River Compact (CRC) model, a number of watershed stakeholder groups have been organized

throughout the Cumberland River Basin. The fifth one of such groups to be formed is the Big South Fork Watershed Association.

These concerned people from both Kentucky and Tennessee have met frequently during the past several months to discuss the threats, challenges, and available opportunities for the South Fork of the Cumberland. At its most recent meeting, the group voted to apply for a Tennessee Department of Agriculture "319" grant for purposes of educating water users about how to preserve the quality of drinking water, and of promoting source-water protection. This grant proposal is due December 1. The group plans to apply also for a Kentucky "319" grant, which has a submission deadline in May.

### 3. AROUND THE STATE

#### A. Comments needed on TDoT's transportation plan for state

The Tennessee Department of Transportation is engaged in developing Tennessee's first Long Range Transportation Plan (LRTP) for all modes of transportation (not just automobiles) that will guide our transportation investment decisions for the next 25 years. TDoT wants to hear our views at one of several upcoming meetings and/or on the internet (see Action Box, below). Don't pass up this historic opportunity! The LRTP will be unveiled next summer.

During the first part of the planning process, technical teams were working to identify the challenges and opportunities that must be addressed. A summary of their draft report, issued September 1, is available on the web site [www.tennessee.gov/tdot](http://www.tennessee.gov/tdot) and at the main libraries of Tennessee's 9 largest cities.

The next round of hearings is coming up in November at 9 locations (see Action Box), one of which is bound to be not far from where you live. Would you like to see a clean, energy-efficient, environmentally and fiscally sound transportation network that includes passenger rail and other public transportation, and more walk-able and bike-able communities? Do attend one of the hearings and/or register your comments on the internet.

**WHAT YOU CAN DO:** You can register your comments at

[www.mmpplan.teamtdot.us/commentform/survey.aspx](http://www.mmpplan.teamtdot.us/commentform/survey.aspx).

You can also attend one of the following hearings (all are held from 6-8 p.m., local time): Nov.15: Blountville; Nashville; and Memphis.

Nov.16: Knoxville (Knoxville Convention Center); Columbia; Milan.

Nov.18: Cookeville (Upper Cumberland Career Center); Chattanooga (UTC); Jackson. For more details on locations, or to request a comment form, call 1-866-389-8443, or go to [www.tennessee.gov/tdot](http://www.tennessee.gov/tdot)

#### B. Critical Roan Mountain land protected

A 200-acre tract on 6,285-ft-high Roan Mountain was recently purchased by the Tennessee Chapter of The Nature Conservancy and will be transferred to the US Forest Service. This property is critical in connecting Roan Mountain State Park to the Cherokee National Forest. Roan Mountain is home to the spruce-fir forest ecosystem, normally found only in Canada, and is also famous for its balds, which represent the largest expanse of grassy uplands in the Southern Appalachians.

#### C. Two Tennessee rivers on Endangered Rivers list

Every year, the national group American Rivers publishes a list of the country's 10 most endangered rivers.

- #4 is the Tennessee River, burdened with excessive sewage discharges. A recent Bush Administration initiative is likely to exacerbate this chronic problem; EPA proposed to legalize the utility practice of "blending" partially and fully treated sewage and dumping the mix into rivers when the facility's capacity is stressed by rain.
- #10 is the Mississippi, so altered by Corps of Engineers projects that its floodplains have been cutoff, its wetlands and side channels destroyed, its marsh plant reduced, and its fish and mussel habitat destroyed by erosion-caused sedimentation.

### 4. SMOKIES

#### A. Tspoco settlement will add land to Park

We have earlier reported on the favorable land settlement that was reached in connection with the process of re-licensing the ALCOA dams (NL256 15A). We did not, however, identify the potential increases in the acreage of the Gt. Smoky Mountains National Park (GSMNP) that will occur as part of this settlement.

- In exchange for ~100 acres of Park land that had been submerged by one of the reservoirs, the GSMNP will receive 186 acres of biologically sensitive land that ALCOA now owns, comprising a 200-foot buffer along shorelines.
- Additionally, a permanent conservation easement to 5,700 acres will be donated by ALCOA to The Nature Conservancy. TNC has the option of buying the underlying fee land and eventually selling it to the National Park Service.

Altogether, the GSMNP may thus increase its area by close to 6000 acres. The additional ~4,000 acres on which TNC will receive a 40-year easement (with future option to purchase), and which allow outdoor recreation activities, will provide an unfragmented corridor between the Park and nearby national forests. Legislation to authorize the land swap has been introduced by Sen. Lamar Alexander.

## **B. Smokies Superintendent at TCWP annual meeting**

Dale Ditmanson, superintendent of the GSMNP since May generously gave of his week-end to talk to TCWP members who attended our annual meeting at Wesley Woods. Ditmanson has been with the National Park Service for 28 years, starting at Fort Sumter in his native South Dakota and moving through many locations (including Canyon de Chelly, AZ, Fossil Beds, CO, and Glenn Canyon, UT and AZ) to NPS's Northeast Regional Office whence he came to the Smokies.

He talked about his concerns for the GSMNP, putting air-quality deterioration at the top of the list, and including the hemlock woolly adelgid, the beech-tree scale, and facilities and services (Cades Cove and at Oconaluftee, then reported on the status of major planning issues. The Cades Cove transportation study has been delayed by a slight glitch with the contractor but should be back on track next year. There is a short list of new alternatives for the North Shore Road EIS, and the web site needs to be updated. The Draft EIS for Elkmont is expected in February or March. The Park had \$300,000 (equivalent to \$900.00 in buying power) less money to work with last year, partly because the Congress decreed pay raises but didn't provide the funds; 19 vacated positions were not filled, and another 5-6 vacancies are expected to remain open this year. About 95,000 hours of volunteer time have been contributed to the Park; this figure may or may not include time spent for the large All Taxa biological inventory.

## **C. Coalition to meet**

The Greater Smoky Mountains Coalition will meet November 20 in Knoxville (Tennessee Valley Unitarian Church) to discuss several controversial issues affecting the Park, including:

The North Shore Road  
Highway 321  
Elkmont  
Blue Ridge Parkway

If you can attend, contact Barbara Allen at [btallen@msocum.com](mailto:btallen@msocum.com). For questions about any of the issues, contact Gregory Kidd at [gkidd@NPCA.ORG](mailto:gkidd@NPCA.ORG).

## **D. Teens care about wilderness in the Park**

Teenagers who participated in a 7-day backpacking trip organized by the Gt. Smoky Mountains Institute at Tremont subsequently wrote letters to Interior Secretary Gale Norton. "So that my children and their children can have a place where they can escape into themselves... I hope the proposed road is never built," wrote a 15-year-old from Dallas. A 17-year-old from South Carolina said: "The Smokies are a very special and majestic place. ... if this road is built a part of their undiscovered secrets is lost." Are you listening, Gale?

## **5. TVA NEWS**

### **A. Watts Bar Land Use Planning**

With an updating of the 1988 Watts Bar Land Use Plan under way, TVA has held a series of public scoping meetings. On September 22, TCWP and AFORR co-hosted a meeting at which TVA staffers presented the new concept for classifying uses for the ~14,000 acres of public lands that surround the 770 miles of shoreline. While individual parcels in the 1988 Plan were characterized by multiple "tags," TVA now intends to assign each parcel to only one of 7 possible zones. Maps available at the meeting identified the proposed assignments for many parcels.

The most protective is Zone 3, "land managed for the protection of significant cultural resources, endangered species, wetlands, and natural and scenic areas." Most islands and some peninsulas will be assigned to that zone. Zone 4 is "land managed for forestry, wildlife enhancement, and dispersed recreation (e.g., hiking, primitive camping, and hunting)."

Other zones briefly, are as follows:

- Zone 1: TVA flowage easements (up to the 750ft contour line) on private lands;
- Zone 2: Project operations (eg., navigation, power generation);
- Zone 5: Economic development (e.g., commercial, industrial);
- Zone 6: Developed recreation (e.g., marinas, campgrounds, boatramps);
- Zone 7: Shoreline access for owners inland from and adjacent to TVA lands.

Questionnaires for written input that were available at the meeting have been submitted by individuals, and TCWP submitted comments for the October 8 deadline. In addition to general recommendations (favoring the widest possible buffers for protecting native species and water quality; endorsing Zone 3 status for islands and peninsulas; urging the funding of positions to enforce the zoning in Zones 3 and 4), we made zone recommendations for certain as yet unzoned parcels, and we endorsed TVA's proposals for certain others. Among these are the following:

- Zone 3 for Whites Creek Small Wild Area (Parcel 238);
- Zone 3 for the adjacent Parcel 237 (NL248 ¶5A; NL255 ¶7B) which should also be designated a Small Wild Area;
- Protection for the Fingers area by classifying Parcel 223 Zone 3, and Parcels 224 and 226 Zone 4;

TCWP also specifically addressed the former Clinch River Breeder Reactor Site, recommending that all of the upland area on the northern half of the peninsula be designated Zone 4, while portions of the disturbed and level area at the southern end of the peninsula be designated Zone 5, but with protection of a 75- to 300-meter-wide strip along the edge of the reservoir. This strip is prime shoreline wildlife habitat, particularly important because it adjoins miles of shoreline already protected as part of DOE's Oak Ridge Reservation.

The scoping information will be used to generate a draft plan that will trigger a second round of public input, probably late next spring. The Final EIS may be released September 2005. To keep informed, go to <http://www.tva.gov/environment/repwr/wattsbar/index.htm>

## B. Green Power program to benefit from wind turbines

[Information from Southern Alliance for Clean Energy]

In 2003, TVA sold 39 million mwh (megawatt hours) of green power, but generated only 274 mwh, potentially jeopardizing national accreditation for the 4-year-old Green Power

Switch program. The deficit will, however, be turned into a large surplus once the 15 new wind turbines on Buffalo Mountain are operative. Go to [www.cleaneenergy.org/windpark/home.cfm](http://www.cleaneenergy.org/windpark/home.cfm) to view photos

Surprisingly, in a recent Op-Ed piece in the *Tennessean* Senator Alexander (R-TN) attacked renewable wind power. "Many people don't like the idea of drilling for gas (or oil) in these federal lands. ... Instead, they suggest massive windmills as tall as football fields are long and as noisy as freight trains, which to my way of thinking scar the landscape in the name of saving it -- without producing much energy."

**WHAT YOU CAN DO:** Senator Alexander needs to know that thousands of Tennesseans prefer clean, renewable energy to the damage to our lands and our air that is caused by the use of fossil fuels. A freight train of coal is much noisier than any wind turbine, and we will take a few wind turbines over the disgraceful, permanent scars of mountain-top-removal strip mining any day! Contact Sen. Alexander's office (see p.2), and send a letter to the *Tennessean*. See Calendar (¶10) for Nov. 11, Small Wind Seminar.

## C. TVA has new Natural Areas Coordinator

When Nancy Fraley left TVA in early December of last year to join the National Park Service, many of us worried that, what with budget cuts, the position of Natural Areas Coordinator would simply be abolished. We are therefore particularly gratified that TVA's Natural Heritage Program was able to place Jason Mitchell into that position. Some TCWP members had the pleasure of meeting Jason on the occasion of the Watts Bar Plan scoping meeting (¶5A, above), when he was one of a group of TVA staffers who outlined the proposal. We hope to bring you more information about him in the next Newsletter.

## 6. GLOBAL WARMING - A MAJOR THREAT TO OUR PLANET

### A. Species loss from global warming

In an article in the prestigious scientific journal *Nature*, Chris Thomas and 18 co-authors from around the world conclude that the predicted range of climate change by 2050 will place 15-35% of the 1,103 species studied at risk of extinc-

tion. The numbers are expected to hold up when extrapolated globally, potentially dooming more than a million species. As global warming interacts with other factors such as habitat-destruction, invasive species, and the build-up of carbon dioxide in the landscape, the risk of extinction increases even further.

The study is based on minimum, mid-range, and maximum future climate scenarios. The researchers point out that there is a significant gap between the low and high ends of the number of species predicted to be on the road to extinction by 2050. Taking immediate steps to reduce greenhouse gas emissions is imperative to constrain global warming to the minimum predicted levels and thus to prevent many of the catastrophic extinctions from occurring. Since there may be a considerable time lag between the climate changing and the last individual of a doomed species dying off, rapid reductions of greenhouse gas emissions may allow some of these species to hang on.

"The threat to life on Earth is not just a problem for the future. It is part of the here and now."

## **B. Hurricanes, flooding, and global warming**

[From Southern Alliance for Clean Energy]

As we near the end of a devastating hurricane season, we face a grim prospect: a warmer planet will likely bring us more powerful hurricanes in the coming years. And rising sea levels caused by global warming will increase the storm surges and flooding wrath of future hurricanes, no matter what their intensity.

While we don't know the whole story behind severe weather, we do know that the heat-trapping pollution we're releasing into the atmosphere from our cars, power plants, and other sources is only making matters worse. The USA has only 4% of the world's population but contributes over 25% of the pollution. The Southeast is particularly culpable: its greenhouse gas emissions rank the region 5<sup>th</sup> in the entire world – between India and Germany.

## **C. Kyoto Treaty taking effect – without USA**

[Source: Southern Alliance for Clean Energy and Environmental Action]

Just last week, Russia announced its plan to ratify the Kyoto Protocol. This ratification by a major power finally allows the international global warming treaty to take effect early next year – without the United States. And, in a powerful speech, Prime Minister Tony Blair recently called global warming "the world's greatest environmental challenge."

He vowed to make this issue a central one when Britain presides over the G-8 meeting of industrialized nations next year.

Unfortunately, while responsible nations are stepping up to protect our planet by cutting greenhouse gas pollution, the United States, the world's top emitter of heat-trapping carbon dioxide, is following a policy of environmental isolationism by refusing to be a part of the solution. As the *New York Times* recently pointed out, "Mr. Bush is bringing up the rear of a parade he really ought to be leading."

## **D. In the USA, the McCain-Lieberman bill would help**

Senator McCain and Senator Lieberman will continue to push for a vote on the Climate Stewardship Act (based on the successful acid-rain reduction plan of the 1990s), but since the lame duck session will be devoted mostly to appropriations bills, chances for passage this year are virtually nil.

On September 7-9, a group of environmental advocates from eight states met in Atlanta to take an important first step toward climate-change initiatives. Working closely with the U.S. Climate Action Network, Southern Alliance for Clean Energy ([www.cleanenergy.org](http://www.cleanenergy.org)) is now searching for additional resources to help fund such a collaborative initiative across the Southeast.

## **7. NATIONAL ISSUES**

### **A. Roadless Rule comment period extended. PLEASE COMMENT!**

In its ultimate attack, the Bush Administration isn't just modifying the Roadless Rule for our national forests – it is in effect proposing to end it in its entirety (NL257 ¶1). The Rule protects 58.5 million acres of National Forest Inventoried Roadless Areas -- our country's last remaining intact forests -- from future road building and commercial logging. It was finalized after years of scientific study, 600 public hearings, and a record number of public comments, almost all of them in support. Dismantling the Rule would disregard the voices of millions of Americans and would leave unspoiled expanses of our forests, including many areas identified as BioGems (Tongass, Yellowstone/Greater Rockies) vulnerable to logging, drilling, and roadbuilding.



In our last Newsletter (NL257), we told you how abandonment of the Roadless Rule would affect the country in general (§1A), and the Southern Appalachian forests (where 553,090 acres are in jeopardy) in particular (§1B). If you no longer have NL257, read it on our web site ([www.kornet.org/lcwp/](http://www.kornet.org/lcwp/)), then avail yourself of the extension of the deadline to November 15 and send your comments. THIS IS IMPORTANT!

The Administration proposes to replace the Rule by petitions from individual states (which then may or may not be accepted by the Forest Service). We are happy to report that on Sept. 8, Tennessee's Governor Bredesen (with the encouragement of Congressman Bob Clement) wrote a letter stating his strong commitment to protecting roadless areas and criticizing the Administration's state petition process as bureaucratic and burdensome. With the addition of Governor Bredesen, there are now nine governors who have taken a stand against the Bush proposal. Governor Richardson of New Mexico is circulating a sign-on letter to all of the Democratic governors.

#### WHAT YOU CAN DO:

- (1) By Nov. 15, let the Administration know that the public wants our national forests protected - not given away to corporate special interests. Tell them how much you value large natural and roadless areas; and how the proposed new Rule jeopardizes the nation's last wild forests. Remind them that 97% of the comments received by the Forest Service from citizens of the southeastern Appalachian area supported the complete protection of all roadless areas.  
Contact information:  
Roadless State Petitions  
c/o Content Analysis Team  
USDA, Forest Service  
P.O. Box 22190  
Salt Lake City, UT 84122  
E-mail: [statepetitionroadless@fs.fed.us](mailto:statepetitionroadless@fs.fed.us)  
Fax: 801-517-1014.
- (2) Thank Gov. Bredesen ([phil.bredesen@state.tn.us](mailto:phil.bredesen@state.tn.us), or see p.2) for his stand against the Rules change. Urge him also to sign on to Gov. Richardson's letter.

## B. Regulatory changes impeil endangered and non-endangered species

### (1) Endangered species

Under the Endangered Species Act (ESA), EPA has to consult with other federal Agencies to determine if approval of a pesticide might jeopardize Endangered Species. No longer. New

"streamlined" regulations mean that EPA will no longer have to consult Interior's Fish and Wildlife Service or Commerce's National Marine Fisheries' Service, two agencies that oversee the ESA. Skipping such consultation, EPA can now decide on its own that a given pesticide probably won't harm a given species' survival.

Certain publicly-known endangered mammals are also feeling the Administration's disregard for their protection.

- The Administration has violated court orders for the creation of refuges for manatees.
- More dolphins will be caught and killed in tuna nets, due to severely weakened standards (the "dolphin-safe" label on canned tuna will be virtually meaningless).
- The Administration is refusing to halt the barbaric practice of airborne wolf hunting in Alaska

### (2) Wildlife in national forests

A 1982 regulation under the 1976 National Forest Management Act directs the US Forest Service to manage national forests so as to maintain "viable populations" of fish and wildlife - not endangered as well as endangered. This standard has on occasion served to reduce timber cutting in regions that had declining populations of certain species.

On September 29, the Bush Administration replaced this requirement by a statement that managers now can rely on the "best available science," a standard that could mean radically different things to different managers. The Forest Service was evidently hoping nobody would notice the substituted wording; they made the change effective as of the day it was announced -- without public hearings or a public comment period. Earthjustice, on behalf of several conservation groups, has filed suit in US District Court in San Francisco.

## C. Funding for land acquisition

[Sources: SARC and Community Ground 15(4)]

The Interior appropriation is one of 9 appropriations bills yet to be finalized by Congress during the lame duck session that starts in mid-November. The outlook is far from rosy for the 40-year-old Land & Water Conservation Fund (LWCF), which provides money to federal land agencies as well as to the states and localities. Thanks(?) to Interior Appropriations Chairman Charles Taylor, not a single dollar was appropriated in the House for federal acquisition (NL257 §5E). Even if money is added by the Senate, the final sum is bound to be very low. This will particularly hurt the South, where so many

development now consumes open space at the rate of more than a million acres per year. Lands abutting national and state parks and forests are the most attractive targets for developers. Lacking the capability to acquire lands (many of which lie within the authorized purchase boundaries of existing park or forest units), our most beautiful areas are condemned to becoming girdled by developments.

A Senate bill introduced in June may bring relief for states and localities but not, so far, for federal acquisition. Senators Lamar Alexander (R-TN) and Mary Landrieu (D-LA) have introduced S.2590, the Americans Outdoors Act. The bill requires annual allocations of \$450 million for stateside LWCF grants (to be matched by state funds), and \$125 million for Urban Park and Recreation Recovery Program (UPARR) grants, along with funds for state wildlife grants and impact assistance to coastal communities. With additional Senate support, funds for the federal LWCF may be added to the bill.

#### **D. Acquisition through local ballot measures**

On Nov. 2, local measures will be on the ballot in dozens of cities and counties all across the country. An organization formed in 2000, The Conservation Campaign (TCC), provides money and technical help to selected ones of such initiatives. In the past four years, voters have approved more than 100 TCC-supported measures, generating nearly \$12 billion to save state and local lands. This year, TCC is backing more than two dozen. Although many individual victories are small, TCC points to the larger picture: conservation is achieving political momentum across the country.

TCC at [www.conservationcampaign.org](http://www.conservationcampaign.org) can also be contacted at 202-543-6102 or Fax 202-543-5123.

### **B. OAK RIDGE AREA**

#### **A. Status of the Black Oak Ridge conservation easement**

It's been almost two years since then-Governor Sundquist announced an "Agreement in Principle" between the State of Tennessee and the DOE to place 3,040 acres at the western end of the Department of Energy's Oak Ridge Reservation (ORR) under a permanent conservation easement. (NL249 ¶6A). Under the agreement both East and West Black Oak Ridge and McKinney Ridge (behind and adjacent to Horizon Center and Hem-

tage Center on Highways 95 and 58) will be preserved for conservation and public recreation.

In May, AFORR (Advocates for the Oak Ridge Reservation) and TCWP wrote to TDEC (Tennessee Department of Environment and Conservation) Commissioner Betsy Child requesting information on progress towards bringing this "Agreement in Principle" to a reality. Ms. Child responded in June, stating that "TDEC is currently engaged in negotiations" and hopes "to have language in final form by the end of the summer" for the signing of an agreement and subsequent evaluations. She also stated, "... the purposes of the easement will be ... to permanently conserve this land in a natural state" (NL257 ¶6).

There were rumors of considerable progress being made, but no official information from TDEC. Therefore, with the end of summer having passed, AFORR and TCWP wrote to Commissioner Child on October 2, requesting that TDEC provide the public with information on this important matter. They suggested either a press release or a public meeting in Oak Ridge in which TDEC and/or DOE would describe progress to date and put forth a schedule for remaining action, as well as providing the opportunity for feedback from the public. The two organizations offered their help with the sponsorship and organization of such a meeting.

#### **B. A unique virgin forest on the Oak Ridge Reservation**

(Based on a report by Dev Joslin)

A study commissioned by the Manager of the National Environmental Research Park has demonstrated the existence of a 20- to 40-acre virgin forest on the ORR that deserves permanent protection. The area, located next to the back of Country Club Estates, contains huge trees and overstory tree species seldom found in the Ridge and Valley Province. It also contains an amazing biodiversity of wildflowers and other herbaceous vegetation. Based on tree-ring counts, one tree - bryno means the largest oldest - was found to be 230 years old, dating it to about the signing of the Declaration of Independence, many years before this area was settled.

This area is particularly valuable for future research since opportunities for studying climax forests in the Ridge and Valley Province are virtually nonexistent. There is a prior database from the 1970s on the forest, allowing measurements of change during the past 25-30 years. Primitive hiking trails might also be established.

The considerable value of this virgin forest is especially significant in view of the fact that the Planning Commission is urging the City to take over a currently primitive DOE road adjacent to the virgin forest in the hope of promoting future residential development. This would obviously destroy this special area.

### **C. The Three-Bend area must be preserved**

The Three-Bend Scenic and Wildlife Management Area on the ORR was set aside for conservation by then-Secretary of Energy Bill Richardson in June 1999 (NL229 ¶7B). The 3,000-acre area includes the three peninsulas of Solway, Freels, and Callahar Bends, with a total shoreline of about 20 miles, some of which rises in high limestone bluffs.

The Tennessee Wildlife Resources Agency manages the area, but DOE's agreement with TWRA will expire in January 2006. TCWP and AFORR are therefore working to acquaint the public with the unique values of this resource in order to encourage support for extending the agreement—hopefully permanently. Last year, we sponsored a hike on Freels Bend, and, several weeks ago, one on Solway Bend (co-sponsored with AFORR). More recently we were a supporting sponsor of the Secret City Hiking Days, which featured hikes on Freels and Callahar Bends.

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## **9. TCWP NEWS**

### **A. Upcoming activities**

[Contributed by Sandra Goss]

[For additional information on any of the listed events, call Sandra K. Goss at 865-522-3809 or e-mail [skgoss@tcwp.com](mailto:skgoss@tcwp.com)]

#### Peter's Bridge Hike, Saturday, November 6

Tom Howell of Tennessee Trails Association, Rugby Chapter, and Ed Sonder of TCWP will lead this 4-mile easy hike beginning at Peter's Bridge on Clear Fork at 10:00 CST/11:00 EST. A dedication ceremony for recent conservation easements on the land between Clear Fork and Crooked Creek will begin two hours later, 12:00 CST/1:00 EST.

A carpool/caravan will form at 9:45 EST in the parking lot of Oak Ridge Food City on Illinois Ave (near corner of Turnpike). Anyone is welcome to attend. Hikers should expect to wade at the start of the hike and have appropriate footwear (wool socks recommended) or bring extra

footwear to change into. They should register with Ed Sonder at 865-483-9615.

#### Oak Ridge Cedar Barren Work Day, Saturday, November 20, 9:00 a.m.

Everyone is invited to help remove exotic invasive plants at this urban treasure. Located between Home Depot and Jefferson Junior High School in Oak Ridge, the barren needs sunlight. Three rare plant species listed for protection by the state are threatened by shade providers such as privet, multiflora rose, bicolor lespedeza, and others.

Participants will be helping foot and root out the invasives. Wear sturdy shoes, and bring loppers and gloves if you have them.

#### TCWP Holiday Party, Thursday, December 9, 7:00 p.m.

All TCWP members and friends are invited to participate in holiday festivities and fellowship at the annual Holiday Party. As usual, we will enjoy the hospitality of Jenny Freeman and Bill Allen at their home at 371 East Drive in Oak Ridge. Bring an appetizer or finger food; beverages will be provided. Please r.s.v.p. to Jenny at 865-482-5980 or [jenny@tcwp.org](mailto:jenny@tcwp.org).

#### Whites Creek Work Day, Saturday, January 22 (snow date—January 29)

This trail, built and long maintained by TCWP, is located on Watts Bar Reservoir in Rhea County in a TVA Small Wild Area. We will be clearing downed trees, and re-blazing some of the trail. Look for details in our next newsletter.

#### Alley Ford Work Day, Saturday, February 12 (snow date—February 19)

This part of the Cumberland Trail has been adopted by TCWP. Workers will clear the trail, repair water bars, and enjoy the leafless woods. Details in our next newsletter.

### **B. Selected TCWP actions, August-October, 2004**

[Contributed by Sandra Goss and Cindy Kendrick]  
We are continuing our periodic update on what keeps the TCWP Board, staff, and committee members busy.

#### Letters (L)/Comments (C)

Letters to federal legislators urging acceleration of  
Obed Land Acquisition (L) (see ¶2B, this NL.)

Letters opposing dismantling of Roadless Rule (C) (see ¶7A, this NL.)

Letter w/ AFORR to TDEC urging action on ORR natural area (L) (see ¶5A, this NL)

Comments on TVA's Watts Bar Land Plan (C) (see ¶5A, this NL)

Sign-on SACE letter on recommendations to EPA for fine particulate matter (C)

Sign-on SOCM comments on TN Classic Coal Co., Inc., Mine 1 NPDES permit (C) (see ¶1A, this NL)

TCWP initiatives for inclusion in TDEC Lower Clinch R. Watershed Management Plan

Letter to State regarding requirements that restrict Community Shares giving by State employees (L)

Input to 2005 TN Conservation Voters legislative priorities

#### Meetings attended and/or organized

NPCA reception for GSMNP Superintendent Dale Ditmanson

Cumberland Green meetings (Plateau water issues)

Secret City Hiking Days planning meetings (see ¶8C, this NL)

Alliance for the Cumberlands (AC) meeting; AC Director Search Committee (see ¶1B, this NL)

Hosted public program on TN forests

Co-sponsored "Mapping Your Watershed" workshop, Crossville

Co-hosted public meeting on TVA Watts Bar Land Plan (see ¶5A, this NL)

Booth at Community Shares Campaign kickoff at Westown Mall

Booth at ORNL Volunteer Day

Booth at ORNL Community Shares Campaign event

Worked Community Shares Brewers' Jam fund-raising event

Turkey Creek Wetland Advisory Group meeting

Tennessee Trails meeting

TN Forest Coalition meeting (see ¶3A, this NL)

Water Issues, Service, Mailing Committees

TCWP Board

TCWP Annual Meeting

#### Actions

Co-hosted Solway Bend Hike (¶9D, this NL)

Co-hosted Secret City Hiking Days (¶9D, this NL)

Co-hosted National Public Lands Day cleanup/invasives eradication at Worthington Cemetery (¶9D, this NL)

Guided tour of Pogue Creek for The Nature Conservancy

Conducted White's Creek trail work day

Posted alert on Oil and Gas Rule Changes and public hearing (see ¶2A, this NL)

Mapped protected and unprotected land at Obed WSR (see ¶2B, this NL)

[Please correct typo in NL257: subheading 7C should have read "... June-July."]

#### **C. Many, MANY thanks**

In addition to the considerable thanks for the numerous activities listed in ¶9B, above, there are many more due for the following:

- Our wonderfully improved website - you've really got to visit it ([www.kornet.org/tcwp/](http://www.kornet.org/tcwp/)). Thank you to our talented and forever willing webmaster Francis Perey and to several contributors - Cindy Kendrick foremost among them.
- The reliable folks who help fold, stuff, and mail the newsletters. For the August newsletter (NL257), they were Jean Bangham, Don Davis, Sandra Goss, Frank Hensley, Charlie Klabunde, Dick Raridon, and Helen Warren. And an extra thanks to Sandra Goss, who processed the mailing for the annual meeting.

#### **D. Recap of recent events**

[Contributed by Sandra Goss]

Visit the scrapbook on TCWP's web site (<http://www.kornet.org/tcwp/>) for photos of several of these events

Sept. 18, National Public Lands Day/Eliza Gate Worthington Cemetery Clean Up. In spite of dire weather forecasts, this was a productive day, with about 10 brave souls turning out to help. With TVA support, they uprooted privet, mimosa, and other invasive exotics.

Sept. 22, Scoping Meeting for TVA's Watts Bar Land Management Plan (co-sponsored with AFORR). About 18 people made use of this opportunity to learn about the zoning recommendations for various parcels around the reservoir.

Sept. 26, Solway Bend Hike, gave 57 people a rare look at this usually closed peninsula. Co-sponsored by AFORR, and led by Larry Pounds and TWRA's Jim Evans, the hike offered a look at fall blooms, old fields, old barns, and woods. This event was part of our ongoing effort to educate the public about the Three Bends Conservation Area, its value as a natural area and guarantor of good water, and the fact that the TWRA management agreement expires January '06 and needs to be renewed - permanently, if possible (see ¶8C, this NL).

Sept. 29, Farewell Lunch in honor of Dev Joslin. About 25 people gathered to bid farewell to Dev, a long-time advocate for the Oak Ridge Reservation and noted birder. Dev and Harriet have since moved to Costa Rica, and we wish them a wonderful life!

October 16 and 17, Secret City Hiking Days. TCWP was one of several supporting sponsors of this inaugural event. Six hikes were held on Oak

Ridge trails and greenways, including TCWP's North Ridge Trail. More than 150 folks took advantage of this opportunity to get acquainted with Oak Ridge's secret treasures. TCWP staffer Sandra K. Goss was given special recognition for her efforts in organizing the planning group that put the event together. The Hiking Days were a big success and plans are already being made to hold them again next year.

**October 23 TCWP Annual Meeting.** In addition to providing us with the opportunity to meet the new Smokies superintendent (¶4B, this NL), the meeting featured a large and interesting silent auction, some fun awards (lovely pieces of driftwood with embedded snail shells) to members who had contributed special efforts, and two hikes through the fall woods of the Park.

## 10. JOBS; CALENDAR; RESOURCES

### \*\* Fellowship opportunity

The Rick Sutherland Fellowship Fund of Earth Justice was created to "enable socio-economically disadvantaged lawyers with otherwise insufficient financial means to engage in public interest litigation that would benefit the environment through employment with a 501(c)(3) or (4) organization. The fellowship is a 2-year grant of up to \$12,000 annually. Applications need to be in Oakland by November 30. To find out more about needed qualifications and application requirements, contact Shavonne Saroyan at [esaiux@earthjustice.org](mailto:esaiux@earthjustice.org) or call 510-550-6700.

### \*\* Events and deadlines calendar (For details, check the referenced NL item; or contact Sandra K. Goss, 865-522-3809, [skgoss@esper.com](mailto:skgoss@esper.com))

- Nov. 6, Peter's Bridge hike and dedication (¶9A, this NL).
- Nov. 7, 7:00 p.m., Walkin' Jim Stoltz (a man who has walked almost 25,000 miles through North American wildlands) and his "Forever Wild" show at UTC's new University Center auditorium. Contact Susan Faidley at 886-2737 or at [gs50@earthlink.net](mailto:gs50@earthlink.net).
- Nov. 9, Red River Gorge (Daniel Boone NF) workshop. (Phone 859-745-3132 for info.)
- Nov. 11, 7 p.m., AFORR meeting, Oak Ridge, Roane State Community College,

City Room. Bobby Fulcher, Tenn. Div. of State Parks on "People and the Land in Tennessee." Additional information at [www.kornet.org/solor/](http://www.kornet.org/solor/).

- Nov. 11, Sevierville Convention Center, Tennessee Small Wind Seminar for homeowners and small business owners interested in producing wind power on their own property. Formore information or to reserve your spot: call 865-637-6055 or email [gile@cleanenergy.org](mailto:gile@cleanenergy.org).
- Nov. 13, SOCM's 2004 Forestry Education & Action Retreat, Dubose Conference Center, Monteagle. Contact Daria Cereat [daria@socm.org](mailto:daria@socm.org) or call 865-426-9455.
- Nov. 15, Comment deadline for Roadless Rule (¶7A, this NL).
- Nov. 15, 16, 18, 6-8 p.m., Knoxville and 8 other locations. Hearings on Long Range Transportation Plan (¶3B, this NL).
- Nov. 16-18, Gatlinburg, SAMAB conference, "Quality of Life in the Southern Appalachians." For registration info, go to [www.samab.org](http://www.samab.org).
- Nov. 18, 7 p.m., Fall Creek Falls SP: hearing on proposed stripmine near the park (¶1A, this NL). (Contact Jonathan Dudley; 865-426-9455.)
- Nov. 20, Cedar Barren Work Day (¶9A, this NL).
- Nov. 20, Greater Smoky Mountains Coalition (¶4C, this NL).
- Nov. 30, Jamestown, Alliance for the Cumberlands (¶1B, this NL).
- Dec. 9, TCWP Holiday Party (¶9A, this NL).
- January 8-16, Wilderness Wildlife Week, Pigeon Forge, at which TCWP will have a booth.
- January 22, Whites Creek work day, (¶9A, this NL).
- February 12, Alley Ford workday, (¶9A, this NL).
- February 18-20, UTK, 2nd Annual South-east Student Renewable Energy Confer-

ence. Visit  
<http://energyconference.uk.edu> for more  
 information.

•• **Resources**

- [www.Dmo.org](http://www.Dmo.org) is the League of Women Voters' web-based voters' guide at the federal, state, and local levels. Additional info: issue statements, ballot referenda, finance info, links to news sources, etc. The site is open to non-members as well as members
- "Winning the Oil Endgame: Innovation for Profits, Jobs, and Security" (free, [www.rmi.org](http://www.rmi.org)) is the report of a Rocky Mountain Institute study that lays out a blueprint for how the USA could wean itself off Persian Gulf oil by 2015, and use no oil at all by 2050. The country could save half its oil usage through efficiency, then substitute competitive biofuels and save natural gas for the rest. There are recommendations for self-financing and would cause the federal deficit to go down, not up, according to the study.
- "TVA River Neighbors" is now available on the website [www.tva.com/river/neighbors](http://www.tva.com/river/neighbors).

**Compromise, Hell! [excerpt]**

By Wendell Berry  
 Orion Online, 10/20/04

We are now permitting the destruction of entire mountains and entire watersheds. No war, so far, has done such extensive or such permanent damage. If we know that coal is an exhaustible resource, whereas the forests over it are with proper use inexhaustible, and that strip mining destroys the forest virtually forever, how can we permit this destruction? If we honor at all that fragile creature the topsoil, so long in the making, so miraculously made, so indispensable to all life, how can we destroy it? If we believe, as so many of us profess to do, that the Earth is God's property and is full of His glory, how can we do harm to any part of it?

... we need to give an absolute priority to caring well for our land - forever a bit of it. There should be no compromise with the destruction of the land or of anything else that we cannot replace. We have been too tolerant of politicians who, entrusted with our country's defense, become the agents of our country's destroyers, compromising on its ruin.

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